

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CHARLES DANIEL REED

PLAINTIFF

V.

NO. 1:15CV00197-JMV

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration**

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is Plaintiff's motion [21] for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, Plaintiff sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [20] dated June 22, 2016, the court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees under the EAJA on the grounds that he was the prevailing party and the Commissioner's position was not "substantially justified." By the motion and attached exhibits, Plaintiff requests that an award of \$9,764.48 in attorney's fees and costs be paid to his attorney. The Commissioner does not oppose Plaintiff's request for attorney's fees and costs but requests that the EAJA award be made payable to Plaintiff, not his counsel.

The court has considered Plaintiff's motion and supporting documentation and the record of this case and finds that the fee request is reasonable. Accordingly, the court will direct that the total amount requested be paid to Plaintiff.¹

THEREFORE, IT IS ORDERED that Plaintiff's motion for payment of attorney's fees and costs under the EAJA is hereby **GRANTED**, and the Commissioner shall promptly pay Plaintiff \$9,764.48 for the benefit of his counsel.

THIS, the 29th day of September, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE

¹ In *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528-29 (2010), the Supreme Court held that EAJA fees are payable to litigants. *Ratliff*, 130 S.Ct. at 2528.